

# Who Should Be Regulated and What Products and Services Should Be Regulated in the Private Security in Zambia

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## Abstract

The private security service providers in Zambia have not been identified and categorised and this has compromised the quality of service and the consumers of these services are not getting value for their money. This paper makes a comparative analysis of the Zambian situation with other countries such as South Africa and the United Kingdom and draws the conclusion that the private security service providers who operate in the private security sector in Zambia are not regulated by any regulatory framework. The paper also recommends that a regulatory authority be established and the products and services need also to be identified and adequately regulated in order to protect both the public and service consumers. The paper recommends that both employees and employers should be regulated as well as their products and services. This paper also advocates for the adoption of a regulatory framework that will ensure that there are minimum standards that that will assist in the regulation of the private security industry in Zambia

## Key words

Private security, Private security service providers, Private security Products and services, Regulatory framework.

## 1. Introduction

The private security industry in Zambia are not regulated by any regulations. There is therefore a clear need to identify the security service providers that should be regulated in the private industry in Zambia. This is the message coming from the public, from government and from the industry itself. There has been a proliferation of security companies in Zambia recently but none of these security services are regulated by any regulatory authority. The service providers encompasses a broad spread of organisations involved in work ranging from guarding people and property to private investigators, electronic security systems and security consultants.

Yet, there are no reliable statistics on the number of individuals and companies operating within the sector in Zambia. And the rapid growth, combined with the lack of any over-arching regulatory provisions, have provided opportunities for some unscrupulous operators to exploit the potential for profit without proper regard to the quality of service provided in sensitive areas where public trust and confidence and the integrity and expertise of those involved are of paramount importance. This paper identifies all the different types of security services in Zambia and proposes that these security service providers be regulated by the regulatory authority of Zambia?

### 1.1. Background

There has been an increase in the security companies and security services that are being provided by security service providers in Zambia and this has increasingly become a topic of media and academic interest. This Paper enters the debate by identifying and explaining why the Zambian authorities requires to regulate the private security service that are provided by private security service providers in Zambia. The paper begins by briefly identifying and explaining the different types of private service providers that need to be regulated. The paper then makes several unique contributions on how the industry can be regulated. First, it argues that the private security industry service providers are not regulated and this has negative national security implications. The nature of the industry means that it will be inherently difficult for the security companies to

provide quality services when they are not monitored on the quality of their services. As a result, it is important to identify the security services that require to be regulated and categorise them according to types.

## 1.2. Statement of the problem

The root of the problem is manifold. The private security industry is not regulated by any regulations and has been and is increasingly engaging in duties primarily thought of as being the exclusive mandate of the state. There is a blurring of private and public policing practices as well as a blurring of the policing of private and public spaces. Mass private property, for instance, constitutes private space and is privately policed, however, it is for public use (shopping malls for instance). This frontline interaction with the public as well as the increasing involvement of private security on traditional public spaces constitutes a challenge to current regulatory systems. Another challenge is the sheer pervasiveness and diversity of private security activities. Over the past few decades the private security industry in Zambia has grown to be one of the largest service industries in the country. In light of this, the paper provides an overview of current regulatory mechanisms for the private security industry players, including the need to regulatory provisions. It identifies the need to regulate all the players in the industry and highlights potential areas of focus to strengthen the regulation of the private security industry, thus concluding with recommendations.

## 1.3. Objective of the paper

The aim of this paper is to identify the products and services providers that provide private security services in Zambia and how best they can be regulated. The specific objectives of the project are as follows:

- To identify the products and services providers in the private security industry in Zambia
- To inform the international debate on the role of private security providers.
- To gain an understanding of the products and services that are provided by security service providers in Zambia.
- To positively influence policy processes towards the regulation of the private security service providers.
- To develop pro forma legislation on the regulation of the private security service providers in Zambia.

## 1.4. Theoretical framework

The purpose of this study is to identify the security product and service providers that should be regulated in Zambia which seem to be increasing every day and has since become a national concern.

## 1.5. Literature review

### A. A comparative analysis

The question of which security product and service providers should be regulated in the private security in Zambia is very difficult to deal with as the country does not have legislation that governs the private security industry. All the private security service providers who are offering private security services are not currently governed by any legislation. Most notably, the following are some of the providers who are not regulated:

1. In-house security
2. Security consultants and trainers
3. Electronic security systems installers

4. Bouncers
5. Lock smiths
6. Wheel clampers, etc.

According to Braithwaite (2002) 'regulation is what we require when obligations are not being honoured.' It therefore requires rules or laws that can be enforced by some actor (not necessarily the state). Regulation can come from a variety of directions and sources – 'regulation occurs in many locations, in many fora', it is a 'product of interactions' not exclusively formal, top-down state control. According to Black (2003) regulation is defined as:

the sustained and focused attempt to alter the behaviour of others according to defined standards or purposes with the intention of producing a broadly identified outcome or outcomes, and which may involve mechanisms of standard-setting, information-gathering and behaviour-modification.

This paper makes a comparative analysis of how the security services providers in South Africa, United Kingdom and America are regulated. Although not 100%, the regulations for private security in these countries cover most of the private security service providers in those countries.

In South Africa, the private security industry is regulated by The Private Security Industry Regulatory Authority. (PSIRA) and according to the Private Security Industry Regulation Act 56 of 2001, the following are subjected to regulatory norm and control:

1. Persons (for example, employees, employers, managers, directors in the security industry, as well as for certain purposes, the consumers of the services);
2. Business entities (for example, companies, close corporations, partnerships, sole proprietors, business trustees);
3. Activities (for example, the rendering of certain types of security services and the manner in which this should be done);
4. Occupations (for example, security guard, private investigator, security consultant, security manager/supervisor, electronic security officer);
5. Sectors (for example, contract security, in-house security, manned guarding service, cash-in-transit);
6. Relationships (for example, employer/employee, principal/contractor); and
7. Objects or equipment used in providing the service (for example, armoured vehicles, firearms, security dogs, armed reactions, electronic alarms, etc)

In the United Kingdom, the private security is governed by the Private Security Industry Act 2001. The following activities are subject to regulation:

1. Manned guarding
2. Immobilization (wheel clamping)
3. Private investigators
4. Security Consultants
5. Key holders
6. Door supervisors for public houses, clubs and comparable venues

In the United Kingdom, the following designated sectors must be registered and licensed

1. Security guarding – under contract
2. Door supervisors – under contract and in-house
3. Vehicle immobilizers – under contract and in-house
4. Private investigators – under contract
5. Security consultants – under contract
6. Key holders – under contract.

The same Act also identify the categories of people who will need licenses: These are as follows:

1. security contractors, directors of security companies and partners in security
2. employees of security contractors, security companies and security firms
3. agency workers performing designated security duties
4. persons who manage or supervise security operatives under contract (and not in-house)
5. agency supplied managers or supervisors of security operatives
6. directors of security companies and partners in security firms
7. in-house door supervisors and vehicle immobilizers and their employees

In the United States, (Occupational Code (2001) Chapter 1702:7) the licensing of all firms and individuals in the private security industry is governed.

The general scope of the Texas Commission on private security mandates the commission to perform the following duties;

1. License investigating companies and security services providers
2. Issue commissions to Security Officers
3. Register individuals connected with licenses, and
4. Regulates license holders and registrants

For most people, the image of the private security industry is one of uniformed guards patrolling shopping malls or factories or opening boom gates and searching people at the entrances. The private security however encompasses more than this. There are also other security service providers of security products such as alarm installers, lock smiths, private investigators and manufacturers of security equipment.

There are many different perceptions of what constitutes the private security industry and this makes defining it very difficult. A more detailed categorization is the one offered by George & Button (2000: 11) when they categorize the private security industry into three sectors as manned guarding services, professional security services and security products. They go on to sub divide the industry into distinct sub-sectors according to the service and products. These sub-sectors are shown below:

1. Manned guarding services

- a. Static guarding
  - b. Cash-in-transit
  - c. Door supervisors/stewards
  - d. body guards
  - e. Dog handlers
2. Professional security services
- a. Security consultants
  - b. Professional Investigators
  - c. Trainers/Instructors
3. Security products
- a. Intruder alarms
  - b. CCTVs
  - c. Access control
  - d. Locks
  - e. Safes/vaults
  - f. Fences

George & Button (2001: 11) further identify three common characteristics that the above private security industry services and products share. These three characteristics can be used to determine their degree of “security ness”. These are: crime prevention, loss prevention and protection. The more these functions characterize a product or service, the stronger its claim to be part of the private security industry. It is however difficult to draw an absolute line at the point at which an activity becomes private security, rather, the more of the above functions that are relevant to that activity, the more clearly it can be viewed as private security.

Having identified those who should be regulated, the next key question that must be answered is “What are the activities that should be regulated?” This question is now discussed.

### **B. What activities should be regulated in the private security industry?**

There are no regulations that regulate the private security in Zambia neither is there any regulation that identify those activities of the industry that should be regulated. This has made it very difficult to monitor the activities of all the industry players in that industry. In order to effectively monitor the operations of the private security, the author believes that the following minimum standards should be addressed in every regulation:

1. Registration
2. Licensing
3. Training

4. Use of security equipment
5. Powers given to private security officers

These minimum standards will now be discussed in the sections below.

a. Registration

In Zambia, there no regulation that requires security companies to register with any regulatory authority except that they register the company in accordance with the Companies Act, CHAP 388

In South Africa, any natural person applying for registration may be registered as a security service provider if the applicant is a fit and proper person to render a security service, and is a citizen of or has permanent residence status of South Africa and fulfils the following; (PSRA Act 56 Of 2001)

- a. is at least 18 years of age;
- b. has complied with the relevant training requirements prescribed for registration as a security service provider;
- c. was not found guilty of an offence specified in the Schedule within a period of 10 years immediately before the submission of the application to the Authority;
- d. was not found guilty of improper conduct in terms of this Act within a period of five years immediately before the submission of the application to the Authority;
- e. submits a prescribed clearance certificate together with such other information as the Authority may reasonably require, if the applicant is a former member of any official military, security, police or intelligence force or service in South Africa, or elsewhere;
- f. is mentally sound;
- g. is not currently employed in the Public Service in circumstances where such registration may conflict with a legislative provision applicable to the applicant.

The writer suggests that employees in the private security industry be registered using the criteria in table 1 below

**Table 1: –Employment Registration Criteria**

ACTIVITY	REQUIREMENT
<b>General requirement</b>	Establish a requirement that candidates must be at least eighteen years of age for unarmed security and 21 years for armed security, with provisions that the candidate must be able to perform the duties required for the position.
<b>Citizenship</b>	Establish a requirement that a candidate must be a citizen or national of Zambia, a lawful permanent resident or an alien authorized to work in Zambia.
<b>Personal information</b>	Establish a requirement for candidates to submit their current and previous residential addresses and telephone numbers for at least the last seven years

<b>Education</b>	Establish a requirement that candidates must possess a minimum of a high school certificate, ZJC or equivalent Also, the applicant should demonstrate an ability to read, write and speak English and the languages most appropriate to his or her assigned duties. Additionally, consideration may be given to the administration of a validated aptitude test for security applicants
<b>Criminal history</b>	Establish a requirement that candidates must have not been convicted of or pleaded guilty of a criminal offence for a minimum of five years period immediately preceding the candidate's date of hire. Any criminal discovered in the course of conducting the search should also be considered relevant to the candidate's qualifications for the position.  Armed security personnel candidates must not have been convicted of a misdemeanour involving the use or attempted use of physical force, or the threatened use of a deadly weapon.
<b>Employment verification</b>	Establish a requirement for verification of a candidate's current and previous employer's addresses and phone numbers for at least the last seven years. for Adjudication Scoring Considerations for Employment Verification)
<b>Registration/ Licenses and verifications</b>	Establish a process for verification of the license, registration, credential or certification information against the appropriate agency. (Compare given information on the licensee's name and address, license board or agency name, type of license, license number, status and original issue date. Note any negative license actions or sanctions.
<b>Fingerprints</b>	Establish a requirement for a candidate's submission of a fingerprint to be processed for a criminal record check. Whenever possible, consideration should be given to the use of the national fingerprint identification database.
<b>Drug screening</b>	Establish a requirement that candidates should undergo drug testing pre and post-employment.
<b>Photographs</b>	Establish A requirement that candidates must submit two recent (within the past 30 days) passport photographs for purposes of identification and licensing

Source: *The South African Private Security Officers Selection and Training Guideline (2004:15)*

In Zambia, both employees and employers of private investigators are not required to be licensed.

No Act mentions any requirements for the registration and licensing of the employees and employers of the private security guard companies. This has largely contributed to the failure to obtain or determine the size of the private security industry in Zambia. It has also negatively affected the quality of the services being provided by the service providers.

Literature shows that the South African private security regulations issues licences to all employees in the private security industry and classify private security employees into five (5) grades. These are grades E, D, C, B, and A, with E being the lowest or entry level and A the highest. Private

security employees are required to register with PSIRA and must have been trained at an accredited training centre by an accredited instructor for all grades. The grading system and requirements that should be met are as shown in table 2 below:

**Table 2: The South African Private Security Industry licensing system**

GRADE E	GRADE D	GRADE C	GRADE B	GRADE A
Unarmed patrols and guarding	Guards at banking halls, retail and shopping centres and access control	Guards at special events such as National key points, CIT, armed response	Supervise grades C to D	Must have fair understanding of contract security
Dog handlers 1 - 5	Armed guarding	Instructor for grades D and E	Instructor for grades C to D	Must be middle /senior management
	Supervise grade E	Supervises grades D and E		
	Instruct grade E	Fire arms and special events instructor		

Source: Private Security Industry Regulatory Authority (PSIRA) [http:// www.sira.co.za](http://www.sira.co.za). (Accessed on 13/06/2020)

Literature also shows that recommendations have been made to the Home Office in the United Kingdom regulations to implement a licensing system that is divided into three criteria as follows.

1. Operatives licence
  2. Principal licence, and
  3. Approved contractors
- 2. Methodology/Research Design**
- a. Research Approach**



This research paper was done through desk research. However, relevant published and where necessary unpublished works were consulted. Relevant pieces of legislation were also utilized to provide information which played a very fundamental role. The research conducted came through a combination of different research methods. For purposes of understanding the general Zambian security sector desk-top research was undertaken yielding a wealth of information.

The research in Zambian private security experienced some methodological limitations in that it was difficult to get information about the current situation on the private security industry. This is because presently there is no regulation of any form that regulate the private security industry in Zambia. It was therefore, impossible at times to get information on their structure and performance.

#### **b. Target population and sample size**

Like earlier alluded too, this research was a desk research and as such, the main data collection instrument was publications from the Internet regarding regulation of private security in Zambia. The Materials collected was far enough to handle and fulfil the objectives of the research.

#### **c. Ethical considerations**

Voluntary participation:

- *Informed Consent:* All the participants who were consulted were advised that they had a write to decide whether to participate or not. The purpose of the research, its procedures, risks and discomforts, its benefits and the right to withdraw were spelt out very clearly to the respondents.
- *Privacy and Confidentiality:* No confidential or private information was used in this paper and all subscribers to the paper are kept confidential and anonymous.
- *The right to access to information* is now enshrined in the UN Human Rights and national legislation. Individuals can communicate what information in government, bank offices, etc. can be made public
- *Right to continue:* Subjects who participate in this study were given a right to withdraw or discontinue.
- *The right and welfare of participants are protected.* The research avoided unnecessary psychological harm or discomfort to the subject.
- This research made sure the risk to participants is minimized by procedures which do not expose subject to risk.

### **3. Results/Discussion**

#### **3.1. Research findings**

This researcher identifies the following major findings

1. That the private security service providers and their employees in Zambia are not regulated by any regulatory framework thereby exposing it to national threats.
2. That anyone who registers with the registrar of companies can provide private security services
4. Zambia does not have any regulatory framework to monitor the quality of services that is provided by the security companies.

#### **4. Conclusions**

It is very important that the private security service providers in the private security industry should be identified and regulated. The paper draws the conclusion that there is a louder voice amongst the Zambian government, the general public and industry players that both the service providers and their products and services should be regulated effectively. The major reason why there is need to identify and regulate the products and services provided by the private security in Zambia is that quality has been compromised and clients are not getting value for their money.

#### **5. Recommendations**

This research paper argues that the Private Security industry service providers must be regulated and recommends the following:

1. That a regulatory authority be established to regulate the provision of all service providers in the industry.
2. That the established regulatory authority identifies all the security products and services that need to be regulated.
3. The following security service providers are recommended to be regulated in the private security services in Zambia:
  - a) Persons (for example, employees, employers, managers, directors in the security industry, as well as for certain purposes, the consumers of the services);
  - b) Business entities (for example, companies, close corporations, partnerships, sole proprietors, business trustees);
  - c) Activities (for example, the rendering of certain types of security services and the manner in which this should be done);
  - d) Occupations (for example, security guard, private investigator, security consultant, security manager/supervisor, electronic security officer);
  - e) Sectors (for example, contract security, in-house security, manned guarding service, cash-in-transit);
  - f) Relationships (for example, employer/employee, principal/contractor); and
  - g) Objects or equipment used in providing the service (for example, armoured vehicles, firearms, security dogs, armed reactions, electronic alarms, etc)
4. The following security products and service are recommended to be regulated in the private security services in Zambia:
  - 1) Manned guarding services
    - a. Static guarding services
    - b. Cash-in-transit services
    - c. Door supervisors/stewards personnel
    - d. body guarding services
    - e. Dog handlers and guard dogs
  - 2) Professional security services
    - a. Security consultants
    - b. Professional Investigators
    - c. Trainers/Instructors
  - 3) Security products
    - a. Intruder alarms
    - b. CCTVs
    - c. Access control
    - d. Locks

e. Safes/vaults

f. Fences

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